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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,543	12/31/2003	Yoshio Iwasaki	89285.0004	5573
26021	7590	01/03/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,543

Applicant(s)

IWASAKI ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Withdrawn

1. Claims 1-2, 6-8, 10, 13 and 21 rejected under 35 USC 1039a) as being unpatentable over Junkers in view of Blaskovitz-Lamb made in the last Office action of July 14, 2005 has been withdrawn in view of the amendment filed on October 12, 2005.

Indicated Allowability Withdrawn

2. Claims 3-5, 9, 11-12, and 14-20 indicated as being allowable in the last Office Action have been withdrawn in view of the newly discovered art.

Response to Arguments

3. Applicant's arguments with respect to claims 3-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5-9, 11-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (6481184) in view of The English Abstract of Japanese: 10-202801.

Junker relates to a display strip (1) for allowing a plurality of product enclosed bags (3) to be attached thereto for the purpose of arrangement and display. The strip comprises at least a substrate layer (1) and a sealant layer that is bondable to the surface of a bag

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by heat sealing. When the surface of the surface of the bag is peeled from the sealant layer, the sealant layer is broken (col. 2, lines 55-58). The support layer can be cardboard (col. 2, line 49), which includes paper or can be of plastic foil material.

Figure-1 shows that the sealant layer is located between the strip and the bags and hence, the sealant understood to be located on the surface of the bag. However, Junker fails to teach the sealant layer comprises an adhesive component and a component for cohesion failure. The English Abstract'801 relates to an easily peelable seal comprising a low density polyethylene layer (A), a glue line (B) in contact with layer (A), and a polystyrene resin layer (C) in contact with layer (B). the adhesion strength between layers (A) and (B) is stronger than between layers (B) and (C). Therefore, it would have been obvious to one having ordinary skill in the art to utilize The English Abstract'801's teaching of using a heat seal sealant layer composition, comprising a polyethylene adhesive component and a cohesive failure polystyrene component in the invention of Junker with the motivation to provide for peelability by breaking the seal.

The adhesive layer of The English Abstract'801 is taken to include the supporting layer when the material for the adhesive component and the supporting layer are the same, in the absence of any showing of distinct layers therefor.

Regarding claim 11, the adhesive is shown to be substantially all over the strip in figure-1 of Junkers

6. Claims 4 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Junker in view of Boiron (5145737).

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Junker, as discussed above, fails to teach that the adhesive is a copolymer of propylene and an alpha-olefin with 2 or 4 to 12 carbon atoms. Boiron discloses a peelable adhesive containing cover layer made from propylene-maleic anhydride copolymer, which is known to have adhesive properties (col. 1, lines 45-50). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Boiron's teaching of using propylene-maleic anhydride copolymer adhesive material in the invention of Junker with the motivation to provide for peelability.

Regarding the thickness of the adhesive layer being 1-30 microns and that of the supporting layer being 5-50 microns, it would have been obvious matter of design choice to provide said thickness dimension, based on optimization through routine experimentation, to provide for optimum strength to the support layer and optimum adhesive strength to the adhesive layer, absent any showing of criticality by the applicant.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Junker in view of the The English Abstract and Stevens (6960635).

Junker and The English Abstract, as discussed above, fails to teach that the sealant layer is a biaxially oriented propylene film. Stevens discloses that biaxially oriented polypropylene films can be used as sealants for adhering layers together. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Stevens' teaching of using biaxially oriented polypropylene film as the sealant layer in the

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invention of Junker with the motivation to provide for peelable sealability of the layers together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
December 25, 2005.